

McKenna, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

IN RE ADELPHIA COMMUNICATIONS
CORPORATION SECURITIES AND DERIVATIVE
LITIGATION

03 MD 1529 (LMM)

X

This Document Relates To:

Case No. 03-CV-5752 (LMM) ←

THE ACCIDENT FUND COMPANY, et al.,

Plaintiff,

-against-

DELOITTE & TOUCHE LLP, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/18/2011

X

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned
counsel for plaintiffs The Accident Fund Company Blue Cross Blue Shield of Michigan, Willard
E. Alexander, Allegheny Technologies Incorporated, Aluminum Company of America, Inc.,
American Friends of the Hebrew University, The American University in Cairo, Amphenol
Corporate Pension Plan, Anne Arundel County, Maryland, t/a Anne Arundel County Retirement
& Pension System, Bruce A. Bassock, Jeffrey L. Bassock, Stephen A. Bassock, Blue Moon Fund
f/k/a W. Alton Jones Foundation Inc., The Trustees of Boston College, Bowdoin College, The
Bradley Trusts, Broad Foundation, Broadsword Limited, Brown Family Partnership, California
State Automobile Association, CCC Investment Trust, Pactiv Corporation General Employee
Benefit Trust, Central States Southeast and Southwest Areas Pension Fund, The Children's

Hospital Foundation, College of the Holy Cross, The Commonfund For Nonprofit Organizations and its subsidiaries and affiliates (d/b/a Commonfund group), on behalf of its High Yield Bond Fund, Multi-Strategy Bond Fund and Equity Opportunities Fund (as successor in interest to its growth opportunities fund), Commonfund Institutional Core Plus Bond Fund, LLC (as successor in interest to the CIF Core Plus Bond Fund), and Commonfund Absolute Return Investors Company, Congregation of Divine Providence, Dallas Police & Fire Pension System, Dallas Symphony Foundation, Inc., Deerfield, L.L.C., Del Monte Corporation Defined Benefit Master Trust, Delta Air Lines Benefit Trusts, Demeter Trust, DePauw University, Joan Diller, Stanley Diller, Dominion Resources, Retail Clerks Pension Trust, The University of Connecticut Foundation, Inc., Edwin Gould Foundation, Eximius Capital Funding Ltd., Exora Investments LLC, Father Flanagan's Trust Fund, Richard Ferguson, Marissa Ferguson, First Church of Christ, Scientist, The Mother Church Pension & Benefit Trust, Christian Science Trustees for Gift and Endowments, The Fisher Scientific Int'l Inc. Defined Benefit Master Trust, The Foundation for Research, Research Development Foundation, Sally Freund, Fred Galland, General Motors Investment Management Corp., Charles Genuardi, Goldsmith Family Foundation, Goldsmith Testamentary Trusts, Bennett Goodman, John F. Gottshall, Granite Growth Investment III, LP, Granite Growth Investment VI, LP, Granite Growth Investment LLC, IV, Alan Green, Lydia Green, Sandra Green, Hebrew Rehabilitation Center for the Aged, Honeywell Pension Investment Committee, Horace Mann Insurance Company, Horace Mann Life Insurance Co., Horace Mann Teachers Insurance Company, Horace Mann Educators Corp., Allegiance Life Insurance Company, HOWW, L.L.C., The Huff Alternative Fund, L.P., International Monetary Fund Staff Retirement Plan, International Paper, J.C. Penney Corporation, Inc. Benefit Plan Investment Committee, Jane Gerben Trust, By Its Trustee Fred

Galland, Joanne Yampol Revocable Trust, Joanne Yampol, Joseph Yampol, Anthony Yampol Trust, Barry Yampol Trust, Brian Yampol Trust, Eric Yampol Trust, Joseph Yampol Trust #2, Jessica Yampol Trust, Yampol Family Trust, Elizabeth M. Johnston, Carol M. Judelson, Peter Kalkus Ira, Kamilche Company, Devon Kelly, William Kelly, Costas Kondylis, The Kroger Co. Master Retirement Trust, L-3 Communications Corporation, Lehigh University, Levine Investments Limited Partnership, William and Bonnie Loftus, Lukeswood Holdings, L.P., Lukeswood, L.L.C, Melvin Markey, Mary Hitchcock Memorial Hospital n/k/a Dartmouth-Hitchcock, Maryland-National Capital Park and Planning Employees Retirement System, Richard Miller, San Diego County Employees Retirement Association, James T. Morley, Museum of Science, Navy Exchange Service Command Retirement Trust, New York Public Library, The New York Times Company, Orchid Investments L.L.C., Harry Orgler, Celanese America Corp. Retirement Pension Plan, Charles Paturick, Robert Paturick, Sarah Paturick, The Penates Foundation, Peoples Energy Corporation Pension Trust, Pictet & Cie Banquiers, Ilene Powers, Public Services Enterprise Group, PSEG Qualified CIV and PSEG Nuclear LLC Master Decommissioning Trust, Qwest Pension Trust, Qwest Occupational Health Trust, Qwest Combined DB/DC Master Trust, Research Beneficial Trust, Stephen Robin, Monsanto Company, Sprint Corporation, Sprugos Investments, L.L.C., Stichting Bedrijfspensioenfonds Voor de Metaal en Technische Bedrijfstakken, Stichting Blue Sky Active High Yield Fixed Income USA Fund, Tennessee Valley Authority Retirement System, Texas County And District Retirement System, John T. Thornton, The Timken Company Collective Investment Trust For Retirement Trusts, Trinity College, University at Buffalo Foundation, Inc., The Edgerton Foundation, University of Minnesota Foundation Investment Advisors, Trustee of the University of Pennsylvania, Virginia Retirement System, Wagner & Brown, Ltd., Joseph Wallenda, Wells

College, Wesleyan College, Western Conference of Teamsters Pension Trust Fund, Western Pennsylvania Teamsters and Employers Pension Fund, WRH Offshore High Yield Partners, L.P., XL Investments, XL Investment XL House, XL Investments, Ltd., XL Re Ltd., Gail Yampol, Hope Yampol, Simon Young, Caterpillar Inc., and MLC Investments Limited (collectively, the "Huff Plaintiffs") and defendants ABN AMRO Bank N.V., ABN AMRO Inc., Banc of America Securities LLC, Bank of America, N.A., Bank of Montreal, Bank of New York Mellon (f/k/a The Bank of New York Co., Inc.), The Bank of Nova Scotia, Barclays Bank PLC, Barclays Capital Inc., BMO Capital Markets Corp. (f/k/a Harris Nesbitt Corp. and BMO Nesbitt Burns Corp.), BNY Mellon Capital Markets, LLC (f/k/a The Bank of New York Capital Markets, Inc.), CIBC World Markets Corp., CIBC, Inc., Citibank, N.A., Citicorp USA, Inc., Citigroup Global Markets Holdings, Inc. (f/k/a Salomon Smith Barney Inc. and Smith Barney Inc.), Citigroup, Inc., Cowen and Company, LLC (f/k/a SG Cowen & Co., LLC and SG Cowen Securities Corporation), Credit Agricole Corporate and Investment Bank (f/k/a Calyon New York Branch and Credit Lyonnais, New York Branch), Credit Agricole Securities (USA) Inc. (f/k/a Calyon Securities (USA) Inc. and Credit Lyonnais Securities (USA) Inc.), Credit Suisse Securities (USA) LLC (f/k/a Credit Suisse First Boston Corporation), Credit Suisse, New York Branch (f/k/a Credit Suisse First Boston, New York Branch), Deutsche Bank AG (f/k/a Bankers Trust Company), Deutsche Bank Securities, Inc. (f/k/a Deutsche Bank Alex. Brown Inc.), Fleet Securities, Inc., J.P. Morgan Securities, Inc. (f/k/a Chase Securities, Inc.), JP Morgan Chase & Co. (f/k/a Chase Manhattan Corp.), Mizuho International plc, Morgan Stanley Dean Witter & Co. (f/k/a Morgan Stanley & Co. Incorporated), PNC Bank Corp., PNC Capital Markets LLC (f/k/a PNC Capital Markets, Inc.), Scotia Capital (USA) Inc., Societe Generale, S.A., SunTrust Banks, Inc., SunTrust Robinson Humphrey, Inc. (f/k/a SunTrust Capital Markets, Inc. and

SunTrust Equitable Securities), The Royal Bank of Scotland plc, TD Securities (USA) LLC (f/k/a TD Securities (USA) Inc.), Toronto Dominion (Texas) LLC (f/k/a Toronto Dominion (Texas), Inc.), and Wachovia Bank, National Association (collectively, the "Bank Defendants") that, pursuant to Federal Rule of Civil Procedure 41(a)(1), the Huff Plaintiffs, by their undersigned counsel, and the Bank Defendants, by their undersigned counsel, hereby stipulate to the dismissal with prejudice of the claims asserted by the Huff Plaintiffs against the Bank Defendants, without costs, in accordance with the Settlement Agreement dated June 1, 2011, between them, with the Court to retain jurisdiction with respect to any matter necessary to enforce the terms of such agreement.

Dated: New York, New York
June 22, 2011

LOWENSTEIN SANDLER PC

By: 
Lawrence M. Rolnick (LR-0546)

65 Livingston Avenue
Roseland, New Jersey 07068
Tel: (973) 597-2500
Fax: (973) 597-2400

Attorneys for the Huff Plaintiffs

CLEARY GOTTLIEB STEEN & HAMILTON LLP

By: Mitchell A. Lowenthal
Mitchell A. Lowenthal (ML-2541)

One Liberty Plaza
New York, New York 10006
Tel: (212) 225-2000
Fax: (212) 225-3999

Counsel for the Bank Defendants other than Credit Suisse Securities (USA) LLC (f/k/a Credit Suisse First Boston Corporation), Credit Suisse, New York Branch (f/k/a Credit Suisse First Boston, New York Branch), Mizuho International plc and The Royal Bank of Scotland plc

WILMER CUTLER PICKERING HALE AND DORR LLP

By: Andrew B. Weissman
Andrew B. Weissman

1875 Pennsylvania Ave., N.W.
Washington, DC 20006
Tel: 202-663-6000
Fax: 202-663-6363

Counsel for Credit Suisse Securities (USA) LLC (f/k/a Credit Suisse First Boston Corporation), Credit Suisse, New York Branch (f/k/a Credit Suisse First Boston, New York Branch), Mizuho International plc and The Royal Bank of Scotland plc

SO ORDERED:

John M. Keay
United States District Judge
Dated: 6/14, 2011